



Tajikistan

Country Reports on Human Rights Practices - [2003](#)

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Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions, including a Constitution adopted in 1994. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government. Rahmonov won reelection in a 1999 election that was seriously flawed and was neither free nor fair. Some opposition figures held seats in the Parliament and positions in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair but in which several opposition parties participated. A June referendum allowed voters the opportunity to approve 56 amendments to the Constitution by voting on only 1 overall question. In addition to widespread proxy voting and other irregularities, the most significant amendment permits the President to serve two more 7-year terms. The Constitution provides for an independent judiciary; however, it was subject to political and paramilitary pressure.

Stability throughout the country has increased significantly since the 1992-97 civil war, but regional divisions within the security forces themselves persisted. The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relied on a handful of commanders who used their forces for internal security. In a few regions, local commanders exercised a degree of autonomy from the Government. Members of government security forces and government-aligned militias committed serious human rights abuses.

The economy was a state-controlled system in the process of a transition to a market-based system. The country had a population of approximately 6.5 million. Most of the work force was engaged in agriculture, which remained partly collectivized. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 7 percent during the year. Official unemployment was estimated at 10 percent; however, employment in the informal sector was approximately 40 percent. The continued influence of narcotics trafficking and other forms of corruption led to clear disparities of income between the vast majority of the population and a small number of former pro-government and opposition warlords, who controlled many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and worsened in a few areas, although there were improvements in a few areas, it continued to commit numerous, serious abuses. The citizens' right to change their government remained restricted. The Government made progress in investigating some political killings that occurred in previous years. Security forces tortured, beat, and abused detainees and other persons, and they were responsible for threats, extortion, and abuse of civilians. Prison conditions remained harsh and life threatening, but the Government agreed to permit the International Red Cross (ICRC) to make prison visits. The Government continued to use arbitrary arrest and detention and arrested persons for political reasons, including two top officials of the main opposition party. Impunity and lengthy pretrial detention remained problems. Law enforcement officers used torture to obtain confessions, which were used in trial without qualification. Authorities infringed on citizens' right to privacy. The Government further restricted freedom of speech and reinstituted restrictions on the press after it had initially relaxed such restrictions. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations and by intimidating demonstrators. The Government imposed some restrictions on freedom of religion and freedom of movement within the country. Violence against women and discrimination against women, persons with disabilities, and religious minorities were problems. Child labor was a problem, and there were some instances of forced labor, including by children. Trafficking in women and children was a serious problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life:

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in May, a family reported that they found their son's body hanging in their barn with signs of torture after police had detained him. There was no confirmation of the details or further information on the case.

Government officials claimed progress in investigating a number of political killings in recent years. The murderers of British Broadcasting Company correspondent Muhidden Olimpur in 1995, Viktor Nikulin, correspondent of the Russian TV ORT in 1996, and Sayf Rahimov, Chairman of the State Television and Radio Committee in 2000 were convicted and sentenced in July. The Government formed a special investigative unit to look into crimes committed against journalists during the civil war and announced that a number of arrests had been made and charges filed by year's end; however, the Government indicated that some of those under investigation were being detained without formal charges. Some of these individuals were held incommunicado (see Section 1.d.). Local and international observers questioned the objectivity of the investigations. These included investigations of the killings of: Former Chairman of the Gharm District, Sirojiddin Davlatov, in 2000; former Deputy Prime Minister Moyonsho Nazarshoyev, in 1998; and former Chairman of the Parliamentary Committee on Legislation and Human Rights, Safarali Kenjayev, in 1998. Suspects were arrested for the killings of the brother of the head of a collective farm in Isfara, and the trial began in November; however, there was a mistrial because of divergent evidence presented, and a new trial was pending at year's end.

The Government routinely sentenced criminal defendants to death in trials that violated norms of due process and human rights. During pretrial detention, the police often beat and otherwise coerced suspects into making confessions, which were introduced into trial without qualification (see Sections 1.c., 1.d., and 1.e.). Amnesty International reported that 33 persons were sentenced to death in the first 6 months of the year, that none of them received a fair trial, and that executions often were conducted in secrecy.

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas, and were not demarcated clearly in most places. The State Border Protection Committee reported that landmine explosions killed 16 persons along the Uzbek border during the year. The media estimated that there were 57 landmine deaths and that over 16,000 mines remained spread over 770 square miles.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik border forces also alleged that Tajik and Afghan criminal groups that were engaged in narcotics smuggling killed members of the border area populations.

In 2002, the Government filed charges against a "criminal group" of 35 persons for killings dating back to 1994, including the 2001 killings of two Baha'i residents of Dushanbe (see Section 2.c.), and, during the year, a closed trial found this "criminal group" guilty of the crimes.

b. Disappearance

There were no reports of politically motivated disappearances, and, unlike in the previous year, there were no reports of kidnappings. Political pressures and a lack of professional resources hampered police efforts to investigate disappearances from previous years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, there were reports that security officials, particularly those in the Ministry of Interior, used systematic beatings to extort confessions and used sexual abuse and electric shock during interrogations. Beatings and mistreatment were common in pretrial detention facilities. Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses (see Section 1.d.). Several alleged Hizb ut-Tahir members claimed that they were tortured while in police custody (see Section 1.e.).

Law enforcement officers allegedly used electric shock and beat Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Revival Party, after detaining him on May 30 (see Section 1.d.).

In the southern regions of the country, many border guards were involved in the drug trade, and the local

population made numerous complaints of harassment and abuses committed by them. There were also complaints of Border Protection officers confiscating the passports of citizens in airports and railway stations and returning the passports only after the citizens paid "fines" directly to the officers.

Law enforcement authorities mistreated members of the country's diminishing Afghan refugee population. There were widespread claims of petty harassment of Afghan refugees: Although in some ways, their treatment improved, they were frequently harassed by illegal registration fines, intimidation to coerce paying bribes, and police summons on unsubstantiated accusations of having Taliban affiliations.

Investigations continued into several 2001 cases of shootings, bombings, and terrorist attacks that resulted in injuries, serious property damage, and deaths (see Section 1.a.).

According to credible counternarcotics law enforcement authorities, Tajik and Afghan criminal groups that were engaged in narcotics smuggling across the country's border with Afghanistan threatened, harassed, and committed abuses against the border area populations (see Section 1.a.).

Conditions in the country's seven prisons remained harsh and life threatening. Prisons generally were overcrowded, unsanitary, and disease-ridden. Some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. However, family members of prisoners sentenced to capital punishment were not informed of the date of the execution and were not allowed access to the prisoner's effects or remains after the sentence was carried out. There was one prison specifically for members of "power ministries" (police, KGB, military personnel). Men and women were held separately; there was one women's prison. Separate juvenile reform facilities held juveniles. Pretrial detainees were held separately from those convicted.

The Government permitted some prison visits by international human rights observers. In December, the Government agreed to permit ICRC prison visits in a manner consistent with the ICRC's standard modalities, and the ICRC was granted such access.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Code inherited from Soviet times allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons, and the Government continued to arrest and detain citizens arbitrarily.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although, in practice, the Government relied on a handful of commanders who used their forces for internal security.

Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses. The Government acknowledged that the security forces were corrupt and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

The soldiers of some commanders were involved in crime and corruption. Reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. In a few regions, local commanders exercised a degree of autonomy from the Government, although the Government's 2001 military operations against Rahmon Sanginov discouraged many former local opposition commanders from attempting to assert independence from government authority.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction any remaining detention time. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Officials regularly refused detainees access to counsel and family members. Many of those arrested were held incommunicado for long periods of time and were still in police custody without being formally charged at year's end. There is no provision for bail, and lengthy pretrial detention was a problem, with detention reaching, in some cases, 15 months.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, did not obtain arrest warrants and did not bring charges. Those released often claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of illegal government detention of members of rival political factions. Since the law precludes visits to persons in pretrial detention, and, until December, the Government had denied the ICRC or other observers access to these persons, the number of political detainees was unknown.

On May 30, authorities arrested Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Renaissance Party (IRPT), on charges of murder and other "grave crimes" and allegedly abused him and denied him access to counsel (see Section 1.c.). In December, Shamsiddinov was sentenced in a completely closed trial to 16 years in prison for organizing an armed group and illegally crossing the border, both crimes that were covered under the post-war amnesties. The IRPT maintained that the trial and sentencing were politically motivated, rather than a campaign against religion.

On July 13, authorities arrested another top IRPT official, Qosim Rakhimov, on charges of statutory rape, which some observers considered politically motivated. At year's end, the trial remained ongoing at the Dushanbe City Court.

According to media reports, 160 members of Hizb ut-Tahrir, an extremist Islamic organization, were arrested, and, during the year, 34 of them were sentenced in connection with various crimes related to their party membership (see Section 2.c.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judicial system was subject to the influence of executive authorities. Criminal groups directly influenced judicial officials at all levels. Public order improved during the year; however, the erosion of judicial integrity that took place during the civil war, largely as a result of the virtual immunity from prosecution of armed militia groups, has yet to be overcome. Bribery of prosecutors and judges was a common practice.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part were poorly trained and lacked understanding of the concept of an independent judiciary. The Government made some progress in this respect by using regular examinations to screen unqualified candidates for judgeships. Judges at all levels had extremely poor access to legal reference materials.

The court system includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court. The law provides for the right to appeal, but the populace generally did not trust the court system, and there were few reports of appeals.

According to the law, trials are public, except in cases involving national security or the protection of minors. In December, Shamsiddin Shamsiddinov, the deputy chair of the IRPT, was sentenced in a completely closed trial (see Section 1.d.). The law provides that a case must be brought before a judge within 28 days after it is entered for trial; however, it was common for cases to be delayed for many months before trial began (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice, arrested persons often were denied prompt, sometimes any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration. Ministry of Justice officials maintained that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice, bringing charges tended to suggest guilt, and Government officials routinely made public pretrial

statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings to coerce evidence, including confessions (see Section 1.c.). Such evidence routinely was used in trial without qualification. Several alleged Hizb ut-Tahrir members claimed that they were tortured while in police custody and that a man using the pseudonym Arobidin died while in the custody of the Ministry of Interior.

Military courts try civilians only in extremely rare circumstances. A military judge and two officers drawn from the service ranks hear such cases.

Some factions of the Government allegedly used the investigations of high profile cases to carry out political attacks on other factions of the Government. In November, the Prosecutor General opened a criminal case against the Chairman of Tajikgas and Chairman of the Democratic Party of Tajikistan, Mahmadrusi Iskandarov. Iskandarov was dismissed from his position and was in self-exile in Rasht Valley at year's end. Given the low level of available information regarding the pretrial, investigation, and trial phases of the criminal process, the number of such political prisoners was unknown. In December, the Government approved ICRC prison visits, agreeing to regular access to all types of prisons and pretrial detention centers, with no time limits or restrictions on access.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law"; however, authorities continued to infringe on citizens' right to privacy. Except for special circumstances, the law prohibits police from entering and searching a private home without the approval of the procurator. When police do enter and search without prior approval, they must inform the procurator within 24 hours; however, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also may enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so in order to elicit confessions (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and individual citizens who disagreed with government policies on occasion were discouraged from speaking freely or critically. By using its monopolistic power over the printing industry, delivering "warnings" via the telephone, inviting persons to the prosecutor's office, visiting editorial offices to talk with editors, restrictive licensing, selective tax inspections, increasing scrutiny of the relatively independent press and regulations of the television stations, the Government was able to place restrictions on nongovernmental media in favor of government-controlled outlets.

The law affirms the right to free speech and criminalizes interference with journalists' work; however, journalists reported that government officials improperly limited their access to information or provided "friendly advice" on what news should not be covered. Editors and journalists, fearful of reprisals, often exercised self-censorship; however, a number of publications published articles highly critical of the Government.

The Government controlled the printing presses and the supply of newsprint and broadcasting facilities and subsidized the large majority of publications and productions. The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempted to cover serious news, several focused on news and analysis. Several newspapers were organs of political parties or blocs.

After some initial progress, the Government reversed moves to develop a free press. Two independent political and social newspapers, Nerui Sukhan (Power of the Word) and Ruzi Nav (New Day) began publishing during the year; however, in November, a state-controlled printing house refused to continue publishing Ruzi Nav, which international observers believed was, at least in part, politically motivated. Nerui Sukhan also faced difficulties in finding a publishing house willing to print the paper, and, in December, representatives of the Ministry of Revenues and Duties confiscated 4,000 copies of Nerui Sukhan.

Compulsory subscriptions were reported from all areas of the country and, particularly, in the Sugd region where the regional government urged local enterprises and farms to subscribe to government newspapers. In one instance, the Khujand city government attempted to force the OSCE to subscribe to the government paper.

There was one government-run television network; its several local stations covered regional and local issues from an official point of view. Opposition politicians had little access to it; however, it continued to broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There were 17 nongovernmental television stations--not all of which operated at any one time and only a handful of which were genuinely independent. Some of these independent stations had independent studio facilities and broadcast equipment but most depended on government-owned transmission equipment.

Independent radio and television stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must apply to the Ministry of Communications and the State Television and Radio Committee. At every stage of the bureaucratic process, there were high official and unofficial fees. The process of obtaining licenses was lengthy, sometimes taking years, and was made more lengthy during the year with the creation of a new licensing body within the State Television and Radio Committee and by granting the re-established Tajikistan National Association of Independent Mass Media (TajANESMI) review and recommendation authority over all license applications. There was significant overlap between the directors of TajANESMI and the State Television and Radio Committee. Those who were denied licenses were allowed to reapply; however, there was no formal appeals process. During the year, the Government granted one new license to radio station Vatan, which began broadcasting in May, but denied a radio license to Jakhon and a television license to Asia Plus, which already operated a radio station.

Journalists on occasion were subject to harassment and intimidation, sometimes perpetrated by government authorities. At the beginning of the year, Safargul Olimova, head of the governmental Dushanbe city radio Sadoi Voice (Voice of Dushanbe) and one station correspondent were fired for an interview in which they criticized government officials, including the President.

There were five Internet service providers--one completely state-owned and four privately owned. High fees and limited capacity put access to the Internet out of reach for most citizens. On May 27, the Government began blocking access to the only opposition website, which journalist Dodojoni Atovullo organized from abroad, after it sharply criticized government policy and accused the President of nepotism and regionalism. The site was briefly unblocked then blocked again.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Registered organizations must apply for a permit from the local executive committee to organize legally any public assembly or demonstration. At times, permits were granted; however, on occasion, the Government took reprisals against organizers. Fear of reprisal was so widespread that public assemblies or demonstrations of a political nature were rare. At the beginning of the year and again in June, teachers in the Panjakent district went on strike because they had not been paid. In August, approximately 300 dissatisfied business investors carried out a protest demonstration near the Prosecutor General's Office and in front of the President's house.

The Constitution provides for freedom of association; however, the Government restricted this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations, including trade unions, this right is circumscribed by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice--a process often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delayed the granting of registration. There were reports of delays in the process if organizations failed to pay bribes to working-level officials.

There were six political parties and five "movements" registered with the Government. The Adolatkhoh Party, the Party of Popular Unity, the Agrarian Party, and the Tehran platform faction of the Democratic Party continued to be banned. The Unity Party, whose application initially was denied for "membership irregularities," re-applied but had not received approval by year's end; they were told to "wait for a better time." A new party, the Progress Party of Tajikistan, submitted registration documents in December but had no response by year's end. The law prohibits political parties from receiving support from religious institutions. Parties of religious character are permitted to register; one such party--the IRPT--has done so.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. There is no state religion. The Government monitored the activities of religious institutions to control their political activity. Hizb ut-Tahrir members were subject to arrest and imprisonment for subversion and faced long prison sentences. President Rahmonov defended secularism aggressively and described Islamic extremists as a threat to national security.

The Law on Religion and Religious Organizations requires religious communities to be registered by the State Committee on Religious Affairs (SCRA). Officially, registration was justified as a means to ensure that religious groups act in accordance with the law; however, a practical purpose was to control their political activity. The Government did not explicitly ban, prohibit, or discourage specific religions; however, local authorities in some cases used the registration requirement in attempts to prevent the activity of some groups. In April, local authorities prosecuted and fined two members of the community of Jehovah's Witnesses in Tursunzoda for teaching religion without a license and for meeting in an unlicensed location. Although the Jehovah's Witnesses were registered with the State Committee on Religious Affairs, the court ruled that they were also required to register at the local level as a religious community.

In July, the SCRA and Sughd government officials carried out "training" for all imams of the region. Two imams were removed, compared with 15 in 2002, and 2 mosques were closed for improper registration. Local observers alleged that the Government used the testing process as a means to silence certain politically outspoken religious figures. In May, two mosques and two houses of imams of these mosques were burnt in Chorkuh village of the Isfara district, an area that has thousands of Islamic Party members. Local authorities reportedly instructed one of the imams to tell any inquiring journalists that the fire in his house was due to an electrical short circuit. Investigators had not found the arsonists by year's end.

Government policies reflect a pervasive fear of Islamic fundamentalism among the Muslim population. The Government banned specifically the activity of Hizb ut-Tahrir, which had a significant following among the ethnic Uzbek population in the north. The Government continued arrests and trials of Hizb ut-Tahrir members on charges of subversion. A Ministry of Security official said that 50 activists of Hizb ut-Tahrir had been arrested in the first half of the year, with 20 of them sentenced to varying terms in jail. Media reports indicated that, over the course of the year, 160 were arrested, and 34 were convicted. In October, a court in Isfara sentenced three Hizb ut-Tahrir activists to prison terms ranging from 8½ to 10 years, for distributing Hizb ut-Tahrir leaflets in the market. During the year, the Government arrested two top officials of the opposition IRPT (see Sections 1.c. and 1.d.).

The Government did not impose restrictions on the number of pilgrims allowed to undertake the hajj; however, regional quotas were imposed, which led to corruption in selling quota allotments.

Government officials at times restricted other religious activities by Muslims as well. Government printing houses reportedly were prohibited from publishing texts in Arabic and as a rule did not publish religious literature. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but affected religious instruction. Missionaries were not restricted legally and proselytized openly; however, the Government's fear of Islamic terrorists prompted it to restrict visas for Muslim missionaries.

Baha'i groups experienced some harassment at local levels. The Government arrested approximately 40 persons in connection with the 2001 killings of 2 Baha'i residents of Dushanbe; in November, the Government formally charged 3 of these individuals with the murders, and, in December, they were found guilty.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27868pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposed some restrictions on them. Both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction was not always enforced along the western part of the border with Afghanistan, but a special visa was required for travelers--including international workers and diplomats--to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. Diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required; personnel from

the Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

There were reports that border guards in the northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Foreign travelers wishing to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice.

There is no law on emigration. Persons who wish to emigrate to the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive an immigrant visa from the relevant country's embassy to obtain their passport. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate. Labor migration was an important economic factor, and a local research organization reported that, during the year, more than 600,000 persons left the country looking for a job.

There was no indication that persons who left the country, other than those who fled the country for political reasons after the civil war, were not permitted to return freely. Some persons active with the Tajik opposition with expired travel documents occasionally had difficulty obtaining new documents permitting them to return. The Government provided protection and modest assistance and cooperated with international organizations to resettle them voluntarily.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return home, as well as thousands from the former Soviet Union, returned to the country. Nearly all occupied houses were returned to their original UTO-fighter owners (approximately 15,000 to 16,000 persons), although a small number of disputes remained to be settled.

The Constitution provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status or asylum. Under the law, a person granted refugee status has the right to work and to move freely throughout the country. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

According to the UNHCR, 109 asylum seekers were granted refugee status, and 32 cases representing approximately 56 persons were denied status. Court challenges to these denials were ongoing at year's end.

The Government did not provide temporary protection to those persons who did not qualify as refugees or asylees, as there is no provision in the law for providing such protection. During the year, 89 refugees were resettled to third countries, and the UNHCR repatriated approximately 143 Afghans. The State Migration Service estimated that 3,195 Afghan refugees remained in the country, not including Afghans who had permanently resettled in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government.

An opposition party won a district-level by-election in November, the results of which were appealed by the President's party. The court upheld the appeal and annulled the result in a decision that local legal experts considered incorrect and politically manipulated.

The President's control was further consolidated in a June 22 referendum that was criticized by the international community as neither free nor fair. Voters, many of whom never received their voting registration and thus were unable to cast ballots, were given the sole option of answering yes or no to a single question: Did they want 56 amendments added to the Constitution? The most significant amendment was to Article 67 and permits the President to have two more 7-year terms beyond 2006. As a result, President Rahmonov could serve until 2020.

The 1999 presidential election was seriously flawed. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, obtained the signatures by the deadline. Prospective opposition candidates complained that local pro-government administrators prevented them from gathering signatures. Only President Rahmonov qualified as a candidate until a Supreme Court decision days before the election permitted a single opposition candidate to register. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, most observers agreed that these claims lacked credibility.

President Rahmonov's highly centralized PDPT controlled an overwhelming majority of seats in both houses of Parliament. This control, combined with a lack of democratic culture, resulted in a legislative branch that was not genuinely independent of the executive branch.

A joint U.N. and OSCE mission that observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament noted improvements in the process compared with previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. The independence of election observers and counting and tabulation of results were also particular problems.

Opposition parties, including unregistered parties, generally were free to operate but faced difficulty in obtaining access to the mass media. Two new parties were unable to achieve registration (see Section 2.b.). Two prominent members of the IRPT were arrested, one of whom was convicted of crimes in December (see Section 1.d.).

There were 12 women in the 97-seat legislature and 1 woman deputy chairperson in each of the 2 houses of Parliament. A woman served as Minister of Labor and Social Issues.

Ethnic Uzbeks were represented in the Government, although not in direct policymaking roles, and there were four ethnic Uzbek members of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGOs addressing human rights. Several such domestic organizations existed. NGO taxation and registration problems remained (see Section 2.b.). The Government prevented some citizens, particularly government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGOs, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently was critical of the Government. Government officials were somewhat responsive to the views of human rights groups.

The Government permitted international NGOs to operate in the country on a regular basis. The OSCE mission in Dushanbe continued to monitor human rights issues with the help of its five field offices, which experienced varying levels of cooperation with local authorities. The ICRC also maintained an office in the country under its delegation in Uzbekistan.

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other government institutions.

In 2002, the Government established a Commission on Fulfillment of International Human Rights Commitments chaired by the Deputy Prime Minister with responsibility for security and law enforcement affairs. The Commission

was charged with preparing reports mandated by the Government's ratification of international human rights treaties, although its Chairman indicated that the Commission would accept complaints from private citizens and planned to work with the international community to address human rights concerns. The Commission served as the primary collection point for citizen complaints by citizens and forwarded the complaints to the responsible ministries.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it was not independent in practice. During the year, the Committee was not very active and issued no reports.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there was some discrimination against women.

Women

Violence against women, including spousal abuse, was a widespread problem. In both urban and rural areas, many cases of wife beating went unreported, and many reported cases were not investigated. Unofficial figures compiled by four NGOs, reported at least 71 discrete cases of wife beating in a small sample of 21 villages, which indicated a much larger problem throughout the country. There was widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition, there were widespread reports of the abduction of young women who were raped or forced to marry their abductors.

Many domestic and international NGOs sponsored women's resource centers that address the concerns of victims of rape and domestic abuse; however, the Government's funding for such centers was extremely limited.

The Criminal Code prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years in prison or, in certain circumstances, the death penalty; however, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases. There were no statistics on the number of rapists prosecuted, convicted, or punished each year.

Prostitution is illegal; however, in practice, prostitutes were not tried in court but instead were given a cursory fine and released. Procurers and madams were prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operated openly at night in some urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see Section 6.f.).

The law accords women equal rights with men; however, discrimination against women remained a problem. Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There was no formal discrimination against women in employment, education, or housing; in urban areas, women were employed throughout government, academic institutes, and enterprises. However, women faced diminishing educational opportunities and increasing poverty. Women legally are entitled to receive equal pay for equal work; however, this regulation was not always enforced in practice.

The Criminal Code protects women's rights in marriage and family matters; however, girls often were pressured to marry men that they did not choose themselves, and polygyny, although illegal, was increasingly common. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tended to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women received less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also were much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances passed disproportionately to sons.

There were many local women's groups and NGOs headed by women that worked to improve the status of women. Many international organizations also focused their programs on women. The Government has a specific

committee for women's and family affairs.

Children

The Government was committed to children's rights and welfare; however, it did not devote adequate financial resources to maintain the social security network for child welfare. Education is compulsory until age 16; however, the law was not enforced. Public education is intended to be free and universal; however, due to a lack of resources, the public school system has deteriorated to the point where it barely functioned. Parents who could afford to do so sent their children to private schools or joined together and hired teachers to give their children lessons. While most children were enrolled in school up to the completion of the secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children--as many as one in eight, according to World Bank data--worked instead of attending school. The illegal Soviet practice of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

As a result of a new amendment to the Constitution, health care is no longer free. However, the first visit or initial assistance remained free, but the quality and quantity of medical services remain limited. The Action Against Hunger's national nutrition survey estimated that one child in three was malnourished. UNICEF reported that the under 5 mortality rate was 72 per 1,000 and that 15 percent of infants had low birthweight. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

The press reported a very few, unconfirmed instances of violence against children, although there was no societal pattern of abuse of children.

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities

The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice, the Government did not require employers to provide physical access for persons with disabilities. Persons with disabilities suffered from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist them.

There is no law mandating accessibility for persons with disabilities. There were facilities for persons with disabilities; however, funding was limited and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consisted of 19 professional trade unions and claimed 1.5 million members--virtually all non-agricultural workers. The separate, independent Trade Union of Non-State Enterprises had registered unions in more than 3,000 small and medium-sized enterprises, with approximately 40,000 employees. Many of the enterprises in which these two organizations nominally were present were not functioning because of the general economic crisis, and the membership of both declined as a result. The Council of Ministers formally consulted both organizations during the drafting of social welfare and worker rights legislation.

The law prohibits anti-union discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist were considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. Unions may affiliate with international bodies; however, no unions had

international affiliations.

b. The Right to Organize and Bargain Collectively

Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participated in collective bargaining at the company level. Negotiations involving an industrial sector included officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsened, it became more difficult for enterprises to engage in effective collective bargaining.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions disavowed publicly the utility of strikes in the current economic crisis and advocated compromises between management and workers. In May and September, teachers in the northwest city of Panjakent went on a union-declared strike, claiming that they had not been paid; although they returned to work, they had not been paid at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, except in cases defined in the law; however, forced or bonded labor occurred in some cases (see Sections 6.d. and 6.f.). University and secondary school students regularly were compelled to participate in the cotton harvest, which was justified in terms of "helping the family" and was permitted under the law. Persons who formerly had worked on state or collective farms could be required to pick cotton, although wages usually were not paid, and the farms did not provide the services they once did.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was a problem; the Government did not effectively regulate acceptable working conditions for children, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations.

Labor laws establish the minimum age for the employment of children at 16, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law, workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age worked in the bazaars or sold goods on the street. Trade unions were responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has signed the International Labor Organization (ILO) Convention 182 on the worst forms of child labor, but the ratification instrument has not been deposited with the ILO.

e. Acceptable Conditions of Work

The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.20 (4 Somoni). The minimum wage did not provide a decent standard of living for a worker and family. The Government recognized this problem and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee could sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime was inconsistent in all sectors. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the Presidential Administration oversees other aspects of the law.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government did not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. Statistics in 1993 (the latest available) indicated that over one-fifth of the population worked under substandard conditions--an estimate that most observers considered much too low. The law permits workers to leave their jobs with 2 months' notice and to remove themselves from hazardous conditions without risking loss of employment; however, due to the poor employment situation, few did so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking primarily from and, to a lesser extent, through the country was a significant problem.

In August, Parliament approved amendments to the Criminal Code that make trafficking in persons punishable by a term of imprisonment of 5 to 15 years and the confiscation of one's property. The more general amendment defines trafficking in persons broadly, while a second amendment specifically criminalizes trafficking in teenagers, defined as "the buying or selling of a minor with or without means and forms of coercion." A working group prepared a draft of a new anti-trafficking law, which was under review by the relevant government agencies at year's end.

Traffickers may also be prosecuted under other laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of 5 to 15 years, although certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison or, in certain circumstances, a death sentence.

In November, law enforcement officials arrested six persons associated with a criminal ring engaged in trafficking women to the Gulf states and elsewhere; the trial was pending at year's end. In October, a husband and wife were apprehended in the Sogh region for trafficking: The wife allegedly recruited the victims (girls and women), and the husband organized the documents; the investigation continued at year's end. In August, two women were detained at Dushanbe airport after attempting to transport underage girls to the United Arab Emirates using counterfeit documents. The investigation uncovered evidence that the women were engaged in trafficking, and, at year's end, they were being held pending trial.

In December, the Dushanbe City Court completed the hearings in Sabohat Shukurova's case. She was sentenced to 14 years in prison and property confiscation in accordance with the new amendments to the criminal code. The Supreme Court started a hearing on an 11-person criminal ring accused of trafficking in persons, including minors; the case was pending at year's end. A member of the IRPT was implicated for recruiting children and trafficking them to the Gulf countries and to Turkey.

The Government set up a commission to fight trafficking, headed by a deputy prime minister. The Commission took several steps towards increasing the severity of punishment for trafficking. The Commission also set up a Working Group to prepare a new anti-trafficking law, which was under review at year's end.

The Ministry of the Interior formed a unit under the Criminal Investigation Department to deal with cases of trafficking, particularly, to focus on fact-finding and investigation in cases of sexual exploitation. The unit reported that there were at least a dozen criminal rings in the country involved in trafficking young girls to Gulf countries.

The country was a source and, to a lesser extent, a transit point for trafficked persons, primarily women. Trafficking within the country was also a problem. Media reports estimated that over 1,000 persons were victims of trafficking during the year. During the year, intermediaries trafficked 10 Tajik women. The Ministry of the Interior's Criminal Investigation Unit, as well as calls to hotlines, indicated that victims came primarily from Khojand or Dushanbe and most commonly were trafficked to Russia, Central Asia, and the Persian Gulf states, including the United Arab Emirates, Yemen, Iran, and Saudi Arabia. Other trafficking destinations were Russia, other former Soviet Union countries, Turkey, Syria, and Pakistan. There also were reports of the sale of infants. The majority of victims were female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically came under the care of extended family), and were new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities were over-represented among victims, particularly those of Slavic origin.

Victims commonly were recruited through false promises of employment. "Advertising" often was done through

social contacts, because traffickers employed their local status and prestige to help recruit victims. There also were cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes employed document falsification services to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of Tajik medical professionals--both male and female--trafficked to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included individuals who rose to positions of power and wealth as field commanders--so-called "warlords"--during the civil war. Others, including women, were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community; this created a network that communicated supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there was reason to believe that certain figures in the Government acted as patrons or protectors of individuals who were involved directly in trafficking. However, there was no indication of widespread institutional involvement in trafficking by the Government.

The Government did not prosecute any reported victims of trafficking. There were few resources available to victims of trafficking and none from the Government. Blackmail was employed commonly in the country's conservative society--nearly half of the trafficked women in the International Organization of Migration's survey reported extortion by local officials upon return to the country. Victims usually did not pursue legal recourse against traffickers due to the social stigma attached to the problem. However, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

Several NGOs provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities throughout the country. The NGO Modar in the Sughd region provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities in Sughd. Modar also worked to direct trafficking victims to other NGOs providing social services that could be of benefit, such as those targeted at abused women. The NGO Women Scientists ran a crisis center for abused women, which also provided services to trafficked women. In September, the NGO Gamkhori in the southern city of Kurgan-Teppe began operating a crisis center and hotline for victims of trafficking and other abused women.

Some NGO programs intended to increase awareness of the existence of trafficking, with support from international organizations. The NGO Gamkhori in the southern city of Kurgan-Teppe worked with local government officials throughout Khatlon oblast to conduct training and awareness seminars for officials and the public. The Khujand-based NGO Chashmai Hayot (Spring of Life) conducted a seminar on trafficking along with representatives from two other NGOs. The Government did not directly fund any public service announcements but did promote such announcements as well as informational materials that national and international organizations produced and distributed. There were 20 NGOs involved in anti-trafficking activities operating throughout the country.